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Attorney for Defendant  
 SAMUEL KAAUWAI III

RECEIVED IN THE  
 UNITED STATES DISTRICT COURT  
 DISTRICT OF HAWAII

DEC 15 2006

at 3 o'clock and 30 min M  
 SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	) CR. NO. 03-00248 DAE
	)
Plaintiff,	) NOTICE OF MOTION; APPEAL
	) AND REQUEST TO THE DISTRICT
vs.	) COURT TO RECONSIDER A
SAMUEL KAAUWAI III,	) MATTER DETERMINED BY THE
	) MAGISTRATE JUDGE;
Defendant.	) DECLARATION OF COUNSEL;
	) MEMORANDUM IN SUPPORT;
	) CERTIFICATE OF SERVICE

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DATE:

TIME:

JUDGE:

**NOTICE OF MOTION**

TO: MARSHALL SILVERBERG  
 Assistant United States Attorney  
 PJKK Federal Building  
 300 Ala Moana Boulevard, Room 6100  
 Honolulu, Hawaii 96813  
 Attorney for Plaintiff  
 UNITED STATES OF AMERICA

ORIGINAL

PLEASE TAKE NOTICE that the following motion will be heard  
before the Honorable \_\_\_\_\_, in his courtroom in the United  
States Courthouse, 300 Ala Moana Boulevard, Honolulu, Hawaii, on \_\_\_\_\_  
\_\_\_\_\_.

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Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	) CR. NO. 03-00248 DAE
	)
Plaintiff,	) APPEAL AND REQUEST TO THE
	) DISTRICT COURT TO
vs.	) RECONSIDER A MATTER
	) DETERMINED BY THE
SAMUEL KAAUWAI III,	) MAGISTRATE JUDGE
	)
Defendant.	)
	)

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**APPEAL AND REQUEST TO THE DISTRICT COURT  
TO RECONSIDER A MATTER DETERMINED BY  
THE MAGISTRATE JUDGE**

Defendant, SAMUEL KAAUWAI III, by and through undersigned  
counsel, Clayton Kimoto, moves this Court to Reconsider the Decision of the  
Magistrate Judge denying the Motion to Withdraw as Counsel on December 1,  
2006.

This motion is based upon the Sixth Amendment, United States

District Court Criminal Local Rule 57.3 (b), the attached declaration of counsel and the memorandum in support.

DATED: Honolulu, Hawaii, December 15, 2006.



CLAYTON KIMOTO  
Attorney for Defendant  
SAMUEL KAAUWAI III